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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,975	01/19/2001	Hiroyuki Koreeda	16869N020500	8208

20350 7590 09/10/2004

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EXAMINER

DEMICO, MATTHEW R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/765,975	Applicant(s) KOREEDA ET AL.	
	Examiner Matthew R Demicco	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: Reference Number 27 as stated on Page 15, Line 15. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 2, 24a, 24b, 24c and 230. Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: "The interpreter 42 executes the multimedia information 43 not depending on the specifications of the microprocessor 10 by interpreting it to the program of microprocessor 10," as appears on Page 13.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding Claim 1, Applicant claims a storage means for storing a retrieving process program for retrieving the video/audio information. Applicant then claims converting the retrieving process program set with a setting means to a multimedia information format. In Claims 4-6, Applicant then claims dividing the index information and the retrieving process program into packets and multiplexing them for output. The

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Specification only makes brief mention of this “process program” on Pages 7 and 8 in the Summary. The Examiner understands this process program to be a code for searching the video and audio information, and as such would be executed on the information retrieving apparatus for allowing a user to search by way of the remote control interface 12. There is no suggestion or description of why such program code would be converted to a multimedia format, packetized and multiplexed with index information for output to the external circuit. Further, the claimed “setting means for setting the index information based on the attribute information” is inadequately descriptive as it fails to explain what the index information is set to or how. Therefore, the Examiner deems the Claims to be sufficiently incomprehensible as to prevent a proper search of the prior art and a subsequent art rejection. Independent Claims 11 and 15 recite similar limitations.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1, 4-6, 9, 11-12 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 1, the language is replete with elements that lack antecedent basis; “the video/audio information” on Line 4, “each medium” on Line 5, “the index information” on Line 8, “the multimedia information format” on Line 12 and “the external circuit” on Line 15.

Regarding Claim 4, Applicant claims “said packets group” on Line 4. There is insufficient antecedent basis for this limitation in the claim.

Regarding Claim 5, Applicant claims “the channel for transmitting” on Line 8. There is insufficient antecedent basis for this limitation in the claim.

Regarding Claim 6, Applicant claims “the other channel different from the channel for transmitting” on Line 14. There is insufficient antecedent basis for this limitation in the claim.

Regarding Claim 9, Applicant claims “the transmitting signal” on Line 4. There is insufficient antecedent basis for this limitation in the claim.

Regarding Claim 11, Applicant Claims “the video/audio information” on Line 12, “the and attribute information” on Line 14 and “the retrieving process program” on Line 15. There is insufficient antecedent basis for these limitations in the claim.

Regarding Claim 12, Applicant Claims “the external circuit” on Line 25 and “the index information” on Line 1. There is insufficient antecedent basis for these limitations in the claim.

Regarding Claim 15, Applicant Claims “the video/audio information” on Line 15, “each medium” on Line 16, “the index information” on Line 19, “the multimedia information format” on Line 23 and “the external circuit” on Line 25. There is insufficient antecedent basis for these limitations in the claim.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. U.S. Patent No. 6,311,011 to Kuroda discloses a video recorder with EPG data storage from a multiplexed MPEG2 packet stream wherein the EPG data is converted to HTML or MHEG prior to output.
- b. U.S. Patent No. 6,678,462 to Chihara discloses a video recorder with programming information stored in memory in HTML form.
- c. U.S. Patent No. 6,305,018 to Usui et al. discloses an EPG using an integrated data format.
- d. U.S. Patent No. 6,681,395 to Nishi discloses an EPG that uses HTML/SGML/MHEG/XML templates.
- e. U.S. Patent No. 6,675,385 to Wang discloses a set top box with EPG wherein guide information is downloaded and translated into HTML data for display in a web browser.
- f. U.S. Patent No. 6,757,906 to Look et al. discloses a digital video recording device with EPG.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mrd
August 25, 2004



VIVEK SRIVASTAVA
PRIMARY EXAMINER